

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CYNTHIA ARCHER-GIFT,  
Individually and on behalf of others similarly situated,  
  
Plaintiff,

vs.

Case No. 15-14467

CITIGROUP, INC.,  
THE HOME DEPOT, INC., and  
SEARS, ROEBUCK AND CO.,

HON. AVERN COHN

Defendants.

---

**ORDER DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION TO DISMISS  
AND TO STRIKE (Doc. 22)**

This is a case under the Equal Credit Opportunity Act. Plaintiff Cynthia Archer-Gift (Archer) seeks damages relating to the denial of her applications for credit at Defendants The Home Depot, Inc. (Home Depot) and Sears, Roebuck and Co. (Sears). Archer is suing Home Depot, Sears, and Defendant Citigroup, Inc. (Citigroup), which is named as a defendant because it is listed as a creditor on denial letters addressed to her, because, she says, she never received written notice of the reasons for the denial from Home Depot and the notice from Sears was deficient.

The Defendants have moved to dismiss and to strike class allegations.

The Court BIFURCATES the issues of liability on the individual counts and the class counts until further order of the Court. The class allegations must abide decision on the individual counts. Defendants' motion to strike is DENIED WITHOUT PREJUDICE.

The Court declines to dismiss the individual counts. There is a factual issue of whether Archer received an adverse action notice from Home Depot and the statement in the Sears notice "Unable to comply with consumer statement" lacks precision.

Defendants' motion to dismiss is DENIED WITHOUT PREJUDICE.

Defendants intend to file a motion for summary judgment within 21 days. Archer shall have 14 days to respond.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: July 29, 2016  
Detroit, Michigan